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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,955	01/31/2002	Raffi Codilian	K35A 1030	4573
35219	7590	04/26/2005	EXAMINER	
WESTERN DIGITAL TECHNOLOGIES, INC. 20511 LAKE FOREST DR. -C205 LAKE FOREST, CA 92630			WATKO, JULIE ANNE	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,955

Applicant(s)

CODILIAN, RAFFI

Examiner

Julie Anne Watko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8-32 and 38-44 is/are allowed.
- 6) ☒ Claim(s) ~~33-37~~ and 45 is/are rejected.
- 7) ☒ Claim(s) 33-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/07/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 5, line 1, the specification recites "axis 4-4". This is inconsistent with the appearance of the Figures, none of which shows any axis 4-4.

It is noted by the Examiner that this line of the specification has not been amended, because Applicant's papers filed September 7, 2004, and on February 17, 2005, were non-responsive due to the inclusion of amendments to the claims not compliant with 37 C.F.R. § 1.121. It is further noted by the Examiner that Applicant's attempted amendment to the specification, if entered, would not overcome the objection.

Appropriate correction is required.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 33-37 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 18-22. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after

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allowing one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 45 is rejected under 35 U.S.C. 102(e) as being anticipated by Machcha et al (US PAP No. 2002/0063991 A1).

As recited in claim 45, Machcha et al show a disk drive comprising: a disk drive housing including a housing body portion (“a portion of a cover plate or a portion of a base plate”, see ¶ 0067; see also ¶ 0073, for example) and an airflow suppressor portion extending from the housing body portion, the airflow suppressor portion includes a trailing side disposed and an opposing leading side; a disk 110 rotatably coupled to and adjacent the housing body portion, the disk including an inner disk edge 230, an outer disk edge 240 and a disk surface 805 disposed between the inner and outer disk edges; and a head stack assembly 160 rotatably coupled to the housing body portion about a pivot axis, the head stack assembly including an actuator arm 150 including a first arm surface disposed adjacent the disk surface and an opposing second arm surface, the head stack assembly being sized and configured to pivot the actuator arm; and upstream and downstream regions disposed along the disk surface, the upstream and downstream regions being divided by a plane perpendicular to the disk surface through the pivot axis and tangent to the inner disk edge adjacentmost the actuator arm, the upstream region including disk positions which rotate towards the actuator arm; wherein the airflow suppressor portion is radially disposed substantially between the inner and outer disk edges within the upstream region

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(see position of 310 in Fig. 3B) and extends substantially entirely from the housing body portion beyond the second arm surface towards the disk surface for modifying disk rotation induced airflow upon the head stack assembly adjacent to the disk surface (“reduction of cross-track motion 220 is accomplished by reducing the total cross-track momentum of fluid molecules that interact with disk drive components”, see ¶ 0037), the leading side 340 is aligned generally tangential with the inner disk edge (see Fig. 5, for example).

Response to Arguments

6. Applicant's arguments with respect to claim 45 have been considered but are moot in view of the rejection in view of art already made of record.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (571) 272-7597. The examiner can normally be reached on Tues. & Thurs. until 9PM, Wed. & Fri. until 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Julie Anne Watko
Primary Examiner
Art Unit 2653

April 21, 2005
JAW

A handwritten signature in black ink, appearing to read 'Julie Anne Watko', with a long horizontal line extending from the bottom of the signature.